

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:11 CR 34-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
DENISE A. HOWILER,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
Defendant)	<u>REFERRAL TO U. S. PROBATION</u>
)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Denise A. Howiler, which was referred to the Magistrate Judge with the consent of the parties.

On February 1, 2011, the government filed a one count Indictment, charging Defendant, Denise A. Howiler, with Theft of Government Funds in violation of Title 18 United States Code, Section 641. Defendant Howiler was arraigned on February 16, 2011, and entered a plea of not guilty to count 1 before Magistrate Judge Kenneth S. McHargh. On April 12, 2011, Magistrate Judge William H. Baughman, Jr., received Defendant Howiler's plea of guilty to count 1 of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Denise Howiler is found to be competent to enter a plea and to understand her constitutional rights. She is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Howiler is adjudged guilty to Count 1 of the Indictment, in violation of Title 18 United States Code, Section 641. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on July 6, 2011, at 10:00 a.m. in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

May 4, 2011